

PAUL HASTINGS

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Order

October 14, 2019

VIA ELECTRONIC FILING

Honorable Freda L. Wolfson, Chief Judge
U.S. District Court, District of New Jersey
Clarkson S. Fisher Federal Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *Takata v. Riot Blockchain, Inc., et al.*, No.: 18-2293 (FLW)

Dear Judge Wolfson:

We represent defendants Riot Blockchain, Inc. (“Riot”), Michael Beeghley (“Beeghley”), John O’ Rourke (“O’Rourke”), Jeffery G. McGonegal (“McGonegal”), Andrew Kaplan (“Kaplan”), Jason Les (“Les”), and Eric So (“So”) (collectively, “Defendants”) in the above-referenced matter. We write on behalf of Riot, Beeghley, O’Rourke, and McGonegal (collectively, the “Riot Blockchain Defendants”) regarding the page limit of the Riot Blockchain Defendants’ forthcoming reply brief (the “Reply”) in support of the Riot Blockchain Defendants’ Motion to Dismiss the Corrected Consolidated Amended Class Action Complaint (the “Motion”) (ECF No. 107) and in response to Lead Plaintiff Dr. Stanley Golovac’s (“Lead Plaintiff”) Omnibus Opposition to Defendants’ Motions to Dismiss the Corrected Amended Consolidated Class Action Complaint (the “Opposition”) (ECF No. 136).

The Riot Blockchain Defendants respectfully request the Court for an additional ten (10) pages above the permitted fifteen (15) pages to draft their Reply. Lead Plaintiff submitted a sixty-page omnibus opposition brief using 12-point font, after requesting from the Court an extension of Lead Plaintiff’s page limit for the Opposition on September 19, 2019 (ECF No. 124). While the Court granted Lead Plaintiff’s request to submit one consolidated brief totaling sixty (60) pages, Lead Plaintiff did not obtain permission to use 12-point font. Given that the Local Rules require 14-point font for all briefing and 12-point font may only be used if the page limit is reduced by 25%, Lead Plaintiff, in effect, received additional pages to develop Lead Plaintiff’s arguments in opposition to the Motion. *See* L.R. 7.2(d). In the interest of fairness and equity, the Riot Blockchain Defendants believe a ten (10) page extension for their Reply is warranted to address Lead Plaintiff’s voluminous opposition brief.

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The parties have conferred in good faith regarding this request. While Lead Plaintiff does not agree with the Riot Blockchain Defendants' position regarding the format of Lead Plaintiff's omnibus opposition brief, Lead Plaintiff does not object to the Riot Blockchain Defendants' request for a page extension.

Accordingly, the Riot Blockchain Defendants respectfully asks the Court to extend the page limit for the Riot Blockchain Defendants' Reply by ten (10) pages, for a total of twenty-five (25) pages.¹

→ Denied

Sincerely,

/s/ Chad J. Peterman

Chad J. Peterman
for PAUL HASTINGS LLP

CJP

Defendants' request for additional pages is denied, however Defendants may utilize 12 point proportional font. Defendants are to submit a brief of no more than 15 pages using size 12 font.

IT IS SO ORDERED:



FREDA L. WOLFSON
U.S. CHIEF DISTRICT JUDGE

10/15/19

¹ The Riot Blockchain Defendants will use the permitted 14-point font in their Reply.